



# CHABAD HEBREW ACADEMY

WISDOM ✧ UNDERSTANDING ✧ KNOWLEDGE

January 24, 2017

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review  
Request for a Waiver

From: Chabad Hebrew Academy  
David Smoller  
BEN: 197225

471 Application 1030002  
FRNs 2799151, 2799178, 2799183

## Introduction and Background

FRNs 2799151, 2799178, 2799183 were approved by USAC on 8/7/2015. These FRNs were utilized and we submitted BEAR forms to USAC and the funds were subsequently disbursed. On October 18, 2016 we received a "Notice of Withholder Action" letter that stated "Our routine review of schools and library funding commitments has revealed certain applications where funds were committed in violation of SLP rules. After a thorough investigation, it has been determined that this funding commitment must be rescinded in full.

As far as we are aware we responded to all PIA reviews and questions that were sent to us. All documents that were requested were sent in. We appealed this decision directly to USAC (on November 29, 2016) and advised USAC in our appeal that we are not aware of any requested documentation that we did not provide upon request.

### USAC Decision on Appeal

We received the "Administrator's Decision on Appeal dated December 22, 2016 stating that our appeal was dismissed because our appeal was filed passed the 60 days allowed. The letter stated that USAC has already sent us a Commitment Adjustment Decision Letter on August 15, 2016.

### Our appeal to the FCC

We are appealing this decision and requesting a Waiver because we are not in possession of such a letter nor are we aware of ever receiving such a letter. The only notice that we are aware of receiving was the "Notice of Withholder Action" letter which was dated October 18, 2016, which is within the 60 days of our filing the USAC appeal.

We appreciate this opportunity.

A handwritten signature in black ink, appearing to read "David Smoller", with a long horizontal flourish extending to the right.

David Smoller

Director